

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

CHEYENNE JONES and SARA J. GAST,
Individually and as representatives of a
class of similarly situated persons, on
behalf of the COCA-COLA
CONSOLIDATED, INC. 401(K) PLAN,

Plaintiffs,

v.

COCA-COLA CONSOLIDATED, INC., THE
BOARD OF DIRECTORS OF COCA-COLA
CONSOLIDATED, INC., THE CORPORATE
BENEFITS COMMITTEE OF COCA-COLA
CONSOLIDATED, INC.; and DOES No. 1-20,
Whose Names Are Currently Unknown,

Defendants.

Case No: 3:20-cv-00654-FDW-DSC

February 22, 2022

**PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, Cheyenne Jones and Sara J. Gast (collectively, "Plaintiffs"), on behalf of the proposed Settlement Class and the Coca-Cola Consolidated, Inc. 401(k) Plan (the "Plan"), hereby move (the "Motion") pursuant to Federal Rule of Civil Procedure 23¹ and Local Civil

¹On January 20, 2022, the Court docketed a deadline for the filing of an agreement for entry of judgment or a stipulation of dismissal. *See* No: 3:20-cv-00654-FDW-DSC, Docket Text (January 20, 2022). Rule 23(e) provides that the claims and issues in this proposed class action may only be settled with the Court's approval following the provision of notice to the Settlement Class and a fairness hearing before the Court. *See* Fed. R. Civ. P. 23(e). Because voluntarily dismissing the Action would not allow for the notice and approval process contemplated by Rule 23(e), Plaintiffs respectfully propose the Notice Plan, which provides for the entry of a final judgment after the Notice Plan is carried out and a fairness hearing is held. To the extent necessary, Plaintiffs request that the Court construe the Motion as including a request to adjourn the requirement that the parties file an agreement for entry of judgment or stipulation of dismissal on this date.

Rule 7.1² for entry of an Order that: (1) preliminarily approves the Settlement Agreement dated February 22, 2022 with Defendants, Coca-Cola Consolidated, Inc., the Coca-Cola Consolidated, Inc. Board of Directors, and the Corporate Benefits Committee of Coca-Cola Consolidated, Inc.;³ (2) preliminarily certifies the proposed Settlement Class; (3) approves the proposed notice plan (“Notice Plan”) in the Settlement Agreement and proposed Preliminary Approval Order; and (4) sets a final approval hearing on a date convenient for the Court at least 110 days after the entry of a preliminary approval order. A proposed Preliminary Approval Order is attached as Exhibit D to the Settlement Agreement.

For the reasons set forth in the Settlement Agreement, accompanying memorandum of law, and all supporting papers, as well as the record in this litigation, Plaintiffs respectfully submit that the proposed settlement memorialized in the Settlement Agreement (the “Settlement”) is fair, reasonable, and adequate, and should be preliminarily approved so that notice can be provided to the Settlement Class.

The Settlement is the product of arm’s-length negotiations between the parties and their counsel, all of whom have significant experience in complex litigation of this type and are well-informed regarding all of the issues in this litigation based upon the comprehensive manner in which this matter was litigated by both sides. Accordingly, Plaintiffs respectfully request that the Court enter the proposed Preliminary Approval Order and, if the Court deems necessary, schedule a preliminary approval hearing at its earliest convenience.

²Plaintiffs have conferred with Defendants, and Defendants do not oppose the Motion.

³The Settlement Agreement and its exhibits are attached to the accompanying Declaration of Laurie Rubinow. Terms not defined herein shall have the same meaning as in the Settlement Agreement.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of the Motion.

DATED: February 22, 2022

Respectfully submitted,

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